



UNITED STATES DEPARTMENT OF COMMERCE
Office of Inspector General
Washington, D.C. 20230

November 25, 2014

VIA E-MAIL

D B Karron
348 East Fulton Street
Long Beach, NY 11561
drdbkarron@gmail.com

RE: FOIA Request No. DOC-OIG-2015-000137

Dear Dr. Karron:

This letter is regarding your Freedom of Information Act (FOIA) request, tracking number DOC-OIG-2015-000137, received by the Department of Commerce, Office of Inspector General (OIG) on October 20, 2014, in which you seek copies of certain documents cited in criminal trial docket 8:13-cr-00327 and 8:13-cr-00148.

A search of records maintained by the OIG has located six (6) pages that are responsive to your request. We have reviewed these pages under the terms of FOIA and have determined that all six (6) pages must be partially withheld under FOIA exemption (b)(6), 5 U.S.C. § 552(b)(6), which protects information in personnel, medical or similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, and FOIA exemption (b)(7)(C), 5 U.S.C. § 552(b)(7)(C), 5 U.S.C. § 552(b)(7)(C), which protects law enforcement information the disclosure of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. Copies of the six pages are enclosed with the relevant withholdings noted.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification to all OIG requesters and should not be taken as an indication that excluded records do, or do not, exist.

You have the right to appeal this partial denial of your request. An appeal must be received within thirty (30) calendar days of the date of this response letter by the Counsel to the Inspector General, U.S. Department of Commerce, Office of Inspector General, Office of Counsel, Room 7898C, 14th and Constitution Avenue, N.W., Washington, D.C. 20230. Your appeal may also be sent by e-mail to FOIA@oig.doc.gov, by facsimile (fax) to 202-501-7335, or by FOIAonline, if you have an account in FOIAonline, at <https://foiaonline.regulations.gov/foia/action/public/home#>.

The appeal should include a copy of the original request and this initial denial letter. In addition, the appeal should include a statement of the reasons why the records requested should be made available and why the adverse determination was in error. The appeal letter, the envelope, the e-

mail subject line, and the fax cover sheet should be clearly marked "Freedom of Information Act Appeal." The e-mail, fax machine, FOIAonline, and Office of Counsel mailbox are monitored only on working days during normal business hours (8:30 a.m. to 5:00 p.m., Eastern Time, Monday through Friday). FOIA appeals posted to the e-mail box, fax machine, FOIAonline, or the Office of Counsel mailbox after normal business hours will be deemed received on the next normal business day. If the 30th calendar day falls on a Saturday, Sunday, or legal public holiday, an appeal received by 5:00 p.m., Eastern Time, the next business day will be deemed timely. An appeal received after the 30-day limit will not be considered.

If you have any questions, please contact me via email at FOIA@oig.doc.gov, or by phone at (202) 482-5992.

Sincerely,

A handwritten signature in blue ink, appearing to read "Raman Santra", followed by a long horizontal flourish.

Raman Santra
FOIA Officer

Enclosures

*** FAX TX REPORT ***

TRANSMISSION OK

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RESULT	OK



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*Fax to: AUSA Adam Ake
USAO-MD*

4/25/2013

*From: Rick Beitel/
DOC/OIG*

- 6 pages (incl. cover)

*Adam, attached are my and IG Zinser's statements.
Thanks-*

Statement of The Honorable Todd J. Zinser
Concerning the Prosecution of
Kirk Yamatani and Rachel Garrison Ondrik

With permission of the U.S. Attorney's Office, I am submitting the following statement concerning the prosecution of former Commerce OIG Special Agents Kirk Yamatani and Rachel Garrison Ondrik. I recently completed my 5th year as Inspector General and began my 30th year of federal service. I have been a federal law enforcement officer and member of the federal inspector general community since 1991. Prior to that, I conducted criminal and civil investigations for the U.S. Department of Labor.

The guilty pleas of Mr. Yamatani and Ms. Ondrik for the submission of false official writings is the result of significant efforts by the US Attorney's Office for the District of Maryland, the FBI and my office to hold law enforcement agents accountable for years of fraud and criminal misconduct.

During the course of trying to fairly resolve financial claims by Yamatani and Ondrik for their 2009 relocation from Atlanta to Washington D.C., we found evidence that Yamatani and Ondrik knew that their claims were not legitimate but they were nonetheless pursuing their claims.

Before the U.S. Attorney's Office and the FBI took the lead in conducting this investigation, my office further uncovered evidence that Yamatani and Ondrik were engaged in time and attendance fraud by [REDACTED] on official government time and for reasons not related to their official duties. It is my view, that Yamatani and Ondrik's false claims were motivated by [REDACTED]

The Commerce OIG is a small office. Not only did these former employees victimize the taxpayers and the Department of Commerce, but by committing the very types of fraud they were charged with investigating, they victimized the good name of their OIG co-workers and the Commerce OIG.

In addition to the fraud perpetrated on the U.S. taxpayers, and their compromising the reputation of their co-workers, these now former law enforcement agents also carried out a [REDACTED] destructive campaign of disparagement against [REDACTED] OIG officials for [REDACTED] in order [REDACTED] retaliate [REDACTED].

It is my view that Yamatani and Ondrik [REDACTED]

- Yamatani and Ondrik [REDACTED]

y

- Yamatani and Ondrik

[REDACTED]

- Yamatani and Ondrik

[REDACTED]

- Yamatani and Ondrik

[REDACTED]

- Finally, Yamatani and Ondrik

[REDACTED]

The cost of Yamatani and Ondrik's criminal conduct to the taxpayer has been enormous. In addition to the direct loss that resulted from their submission of false official writings, hundreds of thousands of taxpayers' dollars have been spent on the loss of services that OIG would have had if honest law enforcement officers occupied the positions held by Yamatani and Ondrik, and if we had not been required to investigate their criminal conduct, and defend ourselves against all their false and disparaging allegations.

The damage caused by Yamatani and Ondrik's [REDACTED] destructive campaign of disparagement to [REDACTED]

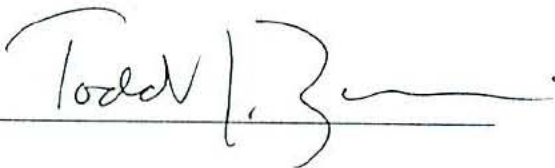
[REDACTED] It has undermined our working relationships with the Department of Commerce, the Congress, the employees of the OIG and the trust of the public in my integrity and that of my office for the rest of our federal careers and beyond.

As a result of Yamatani and Ondrik's convictions, we feel vindicated in our efforts to address the criminal misconduct by these now former law enforcement agents, as well as our efforts to address the gross mismanagement of the OIG's Office of Investigations which allowed this misconduct to occur and go undetected for so many years.

The ultimate irony is that the [REDACTED] OIG [REDACTED] who blew the whistle on Yamatani and Ondrik's criminal conduct and the gross mismanagement of the OIG Office of Investigations, must now continue to defend ourselves and our reputations as a result of Yamatani and Ondrik's false allegations.

Based on the [REDACTED]
[REDACTED] acts of disparagement and retaliation [REDACTED]

Nonetheless, I am thankful for the efforts of the Justice Department and the consideration of the Court. I am proud of the service we performed for the taxpayers by addressing Yamatani and Ondrik's criminal conduct and the gross mismanagement of the Commerce OIG Office of Investigations. We are committed to rebuilding our investigative operations and continue our mission to detect and prevent fraud, waste and abuse in the programs and operations of the Department of Commerce.



April 25, 2013

Statement of

Richard C. "Rick" Beitel, Jr.
Principal Assistant Inspector General
for Investigations & Whistleblower Protection

Office of Inspector General, U.S. Department of Commerce

Re: U.S. v. Kirk Yamatani; and U.S. v. Rachel Ondrik

I am a career Special Agent (Criminal Investigator) with over 26 years of federal and military law enforcement service, and have been the Commerce Department OIG's Principal Assistant IG for Investigations & Whistleblower Protection since March 2011. I have served in the Senior Executive Service since 2004 and have an unblemished record of conduct and performance throughout my career.

The guilty pleas of Kirk Yamatani and Rachel Ondrik to violation of 18 U.S.C. §1018 (False Official Writing) culminate a lengthy investigation, initiated by my office in September 2011 and conducted jointly with the FBI beginning in early 2012, into serious official misconduct by the defendants. Until resigning pursuant to the plea agreements, they were senior Special Agents (GS-13 Criminal Investigators, position series 1811) in my agency. As federal law enforcement officers empowered with statutory firearms and search and arrest authority, SA Yamatani and SA Ondrik held privileged positions of trust, for which they were responsible—and accountable—to uphold the highest standards of honesty and integrity.

The investigation disclosed extensive evidence of an alarming pattern of fraud, false statements, and [REDACTED] on the part of SA Yamatani and SA Ondrik, clearly establishing their [REDACTED] falsification of payment vouchers in connection with their mutual relocation to Washington, DC, and numerous time and attendance records—the latter occurring throughout at least a two-year period. They cheated the OIG, Commerce Department, and taxpayers out of substantial time and money and betrayed the public's trust—doing so with stark hypocrisy, for as fraud investigators, SA Yamatani and SA Ondrik had previously investigated, referred for prosecution, and arrested Commerce Department personnel for time and attendance fraud. [REDACTED]

SA Yamatani's and SA Ondrik's [REDACTED] by carrying out a destructive campaign of [REDACTED] and disparagement [REDACTED]

[REDACTED]

Because law enforcement officers generally have presumed credibility, SA Yamatani's and SA Ondrik's [REDACTED]

[REDACTED]

It is also apparent that SA Yamatani and SA Ondrik [REDACTED]

[REDACTED]

SA Yamatani's and SA Ondrik's [REDACTED]

[REDACTED]

We could not tolerate corruption in OIG's law enforcement ranks, and our actions in response to discovering it have been fully justified and proper. I wish to note that having worked closely with IG Zinser for two decades, I can attest to him as a law enforcement professional of the highest integrity, principle, and honor, with an untarnished record of distinguished public service. Likewise, in working closely with Mr. Green since 2009, I know him to be a wholly honorable individual with a solid record of service.

I pray the foregoing be considered relative to the sentencing of Mr. Yamatani and Ms. Ondrik, for the purpose of holding them duly accountable for the totality of their wrongful acts.



Richard C. "Rick" Beitel, Jr.

